



# Child Support in Missouri

## **WHAT IS CHILD SUPPORT?**

Child support is money which an absent (or non-custodial) parent is ordered to pay on a regular basis to help pay for the costs of raising his or her child.

## **WHAT IS A CHILD SUPPORT ORDER?**

A child support order is a document from a court or Division of Child Support Enforcement (DCSE). It states: 1) when, 2) how often and 3) how much an absent parent is to pay for child support. A child support order is usually included in a divorce decree or paternity judgment.

## **AM I ENTITLED TO OBTAIN A CHILD SUPPORT ORDER?**

If you have legal custody of your child, or if you are in the process of getting divorced, or if you are separated from your spouse, or if you have actual custody of a child for whom paternity has not been legally determined and there is no support order, then you are probably entitled to obtain an order for child support.

## **WHO CAN CHANGE OR TERMINATE A CHILD SUPPORT ORDER?**

Only the court can change or terminate court ordered child support orders. Under no circumstances can the parties agree between themselves to alter a court order without the court's permission. In cases where DCSE has issued an administrative order, DCSE has the power to modify the child support amount.

## **WHAT AMOUNT WILL I RECEIVE FOR CHILD SUPPORT?**

The State of Missouri has established guidelines for child support orders. These guidelines consider the needs of the child(ren) and the income of each party, i.e. the custodial and noncustodial parent, and costs for child care and health insurance. Therefore, the amount of child support you receive will be different depending on your individual circumstances.

## **HOW DOES VISITATION AFFECT CHILD SUPPORT?**

Visitation is not affected by child support in most cases. Only a court has the power to change a child support order because a custodial parent has failed to allow the court ordered visitation. By the same token, visitations may not be denied because an absent parent is behind in his or her support payments. DCSE is not allowed to get involved in visitation issues. Any questions you may have on visitation issues should be discussed with your attorney.

## **IN MY DIVORCE DECREE, THE COURT DIDN'T ORDER ANY CHILD SUPPORT. CAN I APPLY FOR CHILD SUPPORT NOW?**

You may be able to obtain an order of child support administratively through the DCSE depending upon the language in your divorce decree. Also, you may wish to speak to an attorney about changing the terms of your original decree. In some cases, the court may enter an order of child support if the evidence supports a modification from your original divorce decree.

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## **WHO CAN ORDER CHILD SUPPORT TO BE PAID?**

A child support order can be entered in several ways. A judge may issue a temporary order while a divorce or legal separation is pending, and the order may be finalized at the end of the case. A judge may issue an order as part of a paternity case. An order may also be entered as part of a juvenile proceeding, or as part of an adult abuse action. If a court has not already ordered child support, the director of the Division of Child Support Enforcement may issue an order in certain cases.

## **WHAT IS THE DIVISION OF CHILD SUPPORT ENFORCEMENT?**

The Division of Child Support Enforcement was set up by the Missouri legislature to assist parents in obtaining child support orders and in collecting child support. It is sometimes referred to as an IVD agency, because it was created under Title IVD of the Social Security Act. Services offered by DCSE are free of charge.

## **HOW CAN I SIGN UP FOR THE SERVICES OF DCSE?**

Applications for child support assistance can be obtained at your local DCSE office. Check your local telephone directory for the Division of Child Support Enforcement located nearest you.

## **DO I HAVE TO MEET ANY FINANCIAL QUALIFICATIONS IN ORDER TO OBTAIN THE ASSISTANCE OF THE DIVISION OF CHILD SUPPORT ENFORCEMENT?**

The child support services are available to all custodial parents, regardless of income level.

## **CAN I GET CHILD SUPPORT IF I AM RECEIVING STATE AID?**

As an AFDC recipient, you have signed over your rights to child support to the state. The state, through DCSE, will try to establish and enforce a child support order. The money collected will be turned over to the state to pay back the state aid which you have received. If you are receiving state aid, your caseworker should be able to answer your questions about their policies.

## **WHO KEEPS TRACK OF MY CHILD SUPPORT?**

In most cases, the Court Administrator is appointed to receive and pay out child support payments. This allows an impartial party to keep track of the support payment history. The Court Administrator is always appointed to monitor payment in orders obtained by DCSE.

## **WHEN DOES THE CHILD SUPPORT OBLIGATION END?**

Usually, child support will terminate at the age of emancipation, which differs in each state. In most cases in Missouri, the obligation to pay child support will end when the child is between the ages of 18-22 years. The actual date of emancipation will depend on whether the child has graduated from high school and is attending some form of higher education. Other factors include whether the child is married, is on active duty in the armed forces, or is self-supporting.

## **MY SPOUSE AND I ARE SEPARATED, BUT NEITHER ONE OF US HAS FILED FOR DIVORCE OR LEGAL SEPARATION. OUR CHILDREN ARE LIVING WITH ME. WHAT CAN BE DONE TO GET CHILD SUPPORT FOR MY KIDS?**

The Division of Child Support Enforcement can obtain a child support order for a custodial parent through administrative procedures. DCSE does not handle divorces; therefore, you may wish to contact an attorney to discuss your options.

– Source: *The Missouri Bar*

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